

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MATTHEW GINDLESERGER,	:	
Plaintiff,	:	
v.	:	Case No. 3:06-cv-170-KRG-KAP
SOMERSET COUNTY and TIMOTHY	:	
MAPES,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On December 19, 2006, the Magistrate Judge filed a Report and Recommendation, docket no. 5, recommending that the defendants' motion to dismiss, docket no. 2, be denied.

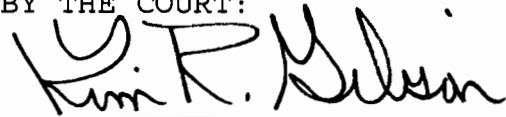
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

After de novo review of the record of this matter together with the Report and Recommendation, the following order is entered:

AND NOW, this 4<sup>th</sup> day of January, 2007, it is

ORDERED that defendants' motion to dismiss, docket no. 2, is denied for the reasons set forth in the Report and Recommendation, which is adopted as the Opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record